

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.22048 of 2007
PRABHU PRASAD YADAV & ORS
Versus
STATE OF BIHAR

3. 13.05.2008 The petitioners were enlarged on bail in the present case on 16.7.2007. A report was then received from the Additional Sessions Judge I, Begusarai that petitioner no. 3, Birendra Kumar Rai had already been enlarged on bail on 4.7.2007 in Cr. Misc. No. 23082 of 2007. It appears that notwithstanding the pendency of this application filed earlier, he filed another application for bail. Subsequently in which he came to be enlarged on bail. Paragraph 2 of Cr. Misc. No. 23082 of 2007 states that he has not moved this Court either for anticipatory bail or regular bail in the present case on any earlier occasion. This was obviously incorrect statement in view of the pendency of the present application since earlier.

The Court, therefore, issued notice to petitioner no. 3 to show cause in the matter. The counsel appeared on his behalf on 16.4.2008 and was granted two weeks' time to file show cause. On 8.5.2008 nobody appeared on his behalf. Today also no one appears.

In the facts and circumstances of the case, the bail granted to petitioner no. 3, Birendra Kumar Rai in Begusarai Muffasil P.S. Case No. 1 of 2007 by this Court is hereby cancelled. He is directed to be taken into custody.

After he surrenders, the court below shall decide his application for regular bail independently without being prejudiced by the present order passed for reasons as aforesaid and not on the merits of the matter.

AKS/

(Navin Sinha, J.)